

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 are currently pending in the application. Claims 1-3, 5, 7, 12, 14 and 15 are amended; and Claims 18-27 are canceled without prejudice or disclaimer by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1-4 are rejected under 35 U.S.C. § 102(e) as anticipated by Oishi (U.S. Pat. 6,789,261); Claims 5-7 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and Claims 12-17 are allowed.

Applicants appreciatively acknowledge the indication of allowable subject matter. However, since Applicants consider that amended independent Claim 1 patentably defines over the applied references, dependent Claims 5-11 are presently maintained in dependent form.

The undersigned appreciatively acknowledges the courtesy extended by Examiner Blouin by holding a personal interview with the undersigned on September 30, 2008. During the interview, an overview of the claimed invention was presented and proposed claim amendments were discussed, which are incorporated by the present amendment. No agreement was reached during the interview pending the submission of a formal response to the outstanding Office Action.

The Office Action rejected Claims 1-4 under 35 U.S.C. § 102(e) as anticipated by Oishi. In response to this rejection, Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by Oishi.

¹ E.g., specification, Figs. 8-11 and p. 30, l. 8 – p. 34, l. 11. Further, Claims 1, 2, 12 and 14 are amended to remove the term “selected” as discussed during the interview.

Amended independent Claim 1 is directed to a disk cartridge, comprising:

a disk;

a cartridge body housing the disk to be rotatable and having formed therein a write and/or read opening through which a part of the disk is exposed to outside in a range between the inner and outer radii thereof;

a shutter member supported movably on the cartridge body to uncover and cover the write and/or read opening; and

a two-way forcing mechanism to force a shutter member toward any one of the direction to cover the write and/or read opening.

As disclosed in an exemplary embodiment at Figs. 8-11 and p. 30, l. 7 – p. 34, l. 8 of the specification, the disk cartridge includes a two-way forcing mechanism 38 to positively move the shutter member 15 which covers and uncovers the head opening 13 and hold the shutter member 15 in a position to uncover or cover the head opening 13. Therefore, the two-way forcing mechanism is configured to force the shutter member in both an opening direction and a closed direction.

Turning to the applied reference, Oishi describes a disk cartridge 12 that has two case members 14, two shutter members 16 provided so as to correspond to the case members 14 respectively, and one lock member 18 and one spring member 20 which are provided in common for the two shutter members 16.²

Oishi, however, fails to disclose the disk cartridge includes “a two-way forcing mechanism to force the shutter member toward any one of a direction to cover the ... opening and a direction to uncover the ... opening,” as recited in amended independent Claim 1.

Instead, as described at Fig. 4 and col. 17, ll. 4-17, the one spring member 20 corresponding to each of the shutter members 16 is configured to force the shutter members 16 in the closed position at all times. This allows for the shutter members 16 to remain closed unless force is exerted on the shutter members 16 by a device configured to read the

² Oishi, col. 12, ll. 20, 24.

disk cartridge. Therefore, spring member 20 in Oishi is not configured to push the shutter member in any one of an open direction and a close direction, as claimed.

As disclosed at p. 33, ll. 9-17 of the specification, for example, an advantage of the claimed configuration in which the two-way forcing mechanism is configured to force the shutter member in both an open direction and a close direction is that a disk drive unit compatible with the disk cartridge does need a mechanism to hold the shutter member in a position to uncover the head opening against the force of a forcing member. Oishi, on the other hand, clearly describes that the spring member 20 in his configuration is configured to exert force on the shutter members 16 to be in a closed direction at all times resulting in the need for a disk drive unit compatible with Oishi's cartridge to be configured to force the shutter members 16 open by exerting force on the spring member 20.

Therefore, for at least the reasons discussed above, Oishi fails to disclose a disk cartridge that includes "a two-way forcing mechanism to force the shutter member toward *any one of a direction to cover the right and/or read opening and a direction to uncover the right and/or read opening,*" as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 2-4, which depend therefrom) under 35 U.S.C. § 102(e) as anticipated by Oishi be withdrawn.

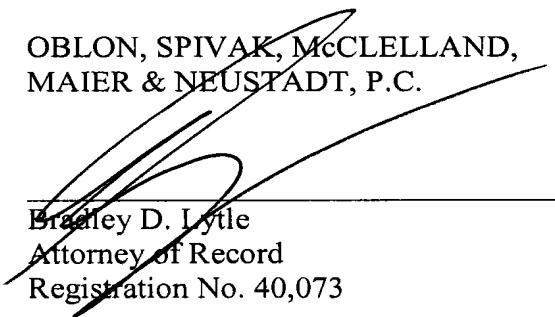
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-17 is patentably

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distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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